

**To:** Arrazola, Ignacio[arrazola.ignacio@epa.gov]; Victorine, Gary[victorine.gary@epa.gov]; Kamke, Sherry[Kamke.Sherry@epa.gov]; Egan, Robert[egan.robert@epa.gov]; Manville, Jennifer[manville.jennifer@epa.gov]  
**From:** Greenwater, Anthony  
**Sent:** Wed 2/8/2017 9:25:24 PM

## Ex. 5 - Deliberative Process

Vr,

Anthony Greenwater, Director

Tribal and International Affairs

US EPA, Region 5

77 W Jackson Blvd., Chicago Illinois 60604

office: 312 353 8640

mobile: 312 257 1551

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**From:** Allen, Dee <dee.allen@ldftribe.com>  
**Sent:** Wednesday, February 8, 2017 3:00 PM  
**To:** Greenwater, Anthony  
**Cc:** jmanville@epa.gov; KHanson@ldftribe.com  
**Subject:** RE: Haskell Lake planning/LUST Site Project

**Good Afternoon Mr. Greenwater, please see responses to the various items below:**

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**List of Issues Concern:**

We agree to working toward a technical consensus and that intent was considered during the development of “technical issues or arrangements whose resolution is critical to deciding on and implementing a remedial action”. Instead of several pages of issues needing resolution for source area work, the first ten items were solution based technical implementation of already agreed arrangements and the subject topics meant only in specific reference source area work, thereby short listing our long list of reoccurring problems. Most of the issues on the long list are problems technically implementing existing policy and agreements. It is much easier to move forward with technical implementation of source area work if existing agreements made through consultation, policy, and implementation of enforcement actions are recognized.

### **The 10 Questions/Feb 23-24 onsite meeting**

I appreciate the work that you put into developing the 10 questions leading up to doable work, but uncertain what is meant by “the Tribe and EPA consider these together”. Should we be arranging meetings in advance of the visit for the 10 items? Are they meant to be discussed at the meeting? Are they rhetorical?

We are unable to answer many of the questions because the most recent model files, data evaluations and EPA reports have not been provided to the Tribe and we have not been able to work with the materials. This is data that was asked for in November, December, January, and February.

### **LCD Materials**

We request that materials be immediately provided to the Tribe from LCD and with you and Jennifer Manville being cc'd.

### **EPA-Contractor Correspondence/Dealings**

We understand the although EPA has not been in contact with the Tribe, Region 5 EPA LUST has been communicating with the Responsible Party State contractor. Because of the sensitive nature of a pending Responsible Party determination against the State Contractor at this site, We expect EPA include the Tribe in all correspondence with the Responsible Party contractor.

### **Facilitation of Technical Meetings**

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The concept of facilitator /moderator was suggested by EPA and yourself in which the Tribe agreed, however; we do not recommend that LCD contract with an outside facilitator for our technical level meetings and recommend that the TIAO be responsible to play that role that supports the Indian Policy.

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Thank You and await your response.

**Dee Ann Allen**

**Lac du Flambeau Tribal Natural Resource Department/Environmental Protection Program**

**P.O. Box 67**

**Lac du Flambeau, Wisconsin 54538**

**Ph#715-588-4295 Cell#715-614-8454**

**Fax#715-588-3207**

**From:** Greenwater, Anthony [mailto:greenwater.anthony@epa.gov]

**Sent:** Tuesday, February 07, 2017 2:52 PM

**To:** Allen, Dee; Hanson, Kristen

**Cc:** Manville, Jennifer

**Subject:** Haskell Lake planning

Hi Dee and Kristen. Checking in to see what you think about the proposed technical get-together. 23-24 February is still open, if we can come together on the immediate questions and critical items on the agenda.

LCD has put together some answers to your requests for info on Bristol report, model files, and EPA funding. Do you want us to collect and send on the requested info, or do you want LCD to send it to you directly? Jenny and I don't have to be in the middle of all exchanges, unless you prefer it that way.

While we're clarifying roles and responsibilities going forward, please let me know, as soon as you can, whether you want Jenny and me to act as the formal facilitators for future meetings. We're happy to do so, but if you prefer someone else in that role, LCD will need to identify an experienced facilitator and get them under contract. This will take a little time, so sooner is better if we're going that way.

Hope all is well.

Vr,

Anthony Greenwater, Director

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